

AMENDED IN ASSEMBLY JULY 16, 2003

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE MAY 7, 2003

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 430

Introduced by Senators Johnson, Ackerman, Alpert, Brulte, Knight, Margett, McClintock, Oller, Poochigian, Speier, Vasconcellos, and Vincent

(Coauthors: Assembly Members Bates, Campbell, Haynes, McCarthy, and Pacheco)

February 20, 2003

An act to amend, repeal, and add Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 430, as amended, Johnson. Statewide primary election.

Existing law requires that the statewide direct primary election be held on the first Tuesday in March in each even-numbered year. It requires that, in any year evenly divisible by the number 4, the statewide direct primary election be consolidated with the presidential primary held on the first Tuesday in March in those years.

This bill would instead require, ~~on and after January 1, 2008~~ *until January 1, 2005*, that the statewide direct primary election be held on the last Tuesday in June of each even-numbered year. It would retain the requirement that the presidential primary election be held on the first Tuesday in March in any year evenly divisible by the number 4, but

would instead require that the statewide direct primary election not be consolidated with the presidential primary election in those years.

This bill, by requiring a higher level of service by local elections officials, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 316 of the Elections Code is amended~~
 2 ~~to~~
 3 *SECTION 1. Section 316 of the Elections Code is amended to*
 4 *read:*
 5 316. (a) "Direct primary" is the primary election held on the
 6 ~~first Tuesday in March~~ *last Tuesday in June* in each
 7 even-numbered year, to nominate candidates to be voted for at the
 8 ensuing general election or to elect members of a party central
 9 committee.
 10 (b) *This section shall remain in effect only until January 1,*
 11 *2005, and as of that date is repealed, unless a later enacted statute,*
 12 *that is enacted before January 1, 2005, deletes or extends that date.*
 13 SEC. 2. *Section 316 is added to the Elections Code, to read:*
 14 316. (a) "Direct primary" is the primary election held on the
 15 *first Tuesday in March* in each even-numbered year, to nominate
 16 *candidates to be voted for at the ensuing general election or to*
 17 *elect members of a party central committee.*
 18 (b) *This section shall become operative on January 1, 2005.*
 19 SEC. 3. *Section 1000 of the Elections Code is amended to*
 20 *read:*

1000. (a) The established election dates in each year are as follows:

~~(a)~~

(1) The second Tuesday of April in each even-numbered year.

~~(b)~~

(2) The first Tuesday after the first Monday in March of each odd-numbered year.

~~(c)~~

(3) The first Tuesday in March in ~~each even-numbered year~~ any year which is evenly divisible by the number four.

~~(d)~~

(4) The first Tuesday after the first Monday in June of each odd-numbered year.

~~(e)~~

(5) *The last Tuesday in June in each even-numbered year.*

(6) The first Tuesday after the first Monday in November of each year.

(b) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 4. Section 1000 is added to the Elections Code, to read:

1000. (a) The established election dates in each year are as follows:

(1) *The second Tuesday of April in each even-numbered year.*

(2) *The first Tuesday after the first Monday in March of each odd-numbered year.*

(3) *The first Tuesday in March in each even-numbered year.*

(4) *The first Tuesday after the first Monday in June of each odd-numbered year.*

(5) *The first Tuesday after the first Monday in November of each year.*

(b) This section shall become operative on January 1, 2005.

SEC. 5. Section 1001 of the Elections Code is amended to read:

1001. (a) Elections held in March in any year which is evenly divisible by the number four, and in June and November of each even-numbered year are statewide elections and these dates are statewide election dates.

1 (b) This section shall remain in effect only until January 1,
2 2005, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2005, deletes or extends that date.

4 SEC. 6. Section 1001 is added to the Elections Code, to read:

5 1001. (a) Elections held in March and November of each
6 even-numbered year are statewide elections and these dates are
7 statewide election dates.

8 (b) This section shall become operative on January 1, 2005.

9 SEC. 7. Section 1201 of the Elections Code is amended to
10 read:

11 1201. (a) The statewide direct primary shall be held on the
12 ~~first Tuesday in March~~ last Tuesday in June of each
13 even-numbered year.

14 ~~(b) Notwithstanding subdivision (a), in any year which is~~
15 ~~evenly divisible by the number four, the statewide direct primary~~
16 ~~shall be held on the first Tuesday in March and shall be~~
17 ~~consolidated with the presidential primary held in that year. This~~
18 ~~section shall remain in effect only until January 1, 2005, and as of~~
19 ~~that date is repealed, unless a later enacted statute, that is enacted~~
20 ~~before January 1, 2005, deletes or extends that date.~~

21 SEC. 8. Section 1201 is added to the Elections Code, to read:

22 1201. (a) The statewide direct primary shall be held on the
23 first Tuesday in March of each even-numbered year.

24 (b) ~~Notwithstanding subdivision (a), in any year which is~~
25 ~~evenly divisible by the number four, the statewide direct primary~~
26 ~~shall be held on the first Tuesday in March and shall be~~
27 ~~consolidated with the presidential primary held in that year.~~

28 (c) This section shall become operative on January 1, 2005.

29 SEC. 9. Section 1202 of the Elections Code is amended to
30 read:

31 1202. (a) The presidential primary shall be held on the first
32 Tuesday in March in any year evenly divisible by the number four
33 and may not be consolidated with the statewide direct primary held
34 in that year.

35 (b) This section shall remain in effect only until January 1,
36 2005, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, 2005, deletes or extends that date.

38 SEC. 10. Section 1202 is added to the Elections Code, to read:

39 1202. (a) The presidential primary shall be held on the first
40 Tuesday in March in any year evenly divisible by the number four.

(b) This section shall become operative on January 1, 2005.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

read:

316. (a) “Direct primary” is the primary election held on the first Tuesday in March in each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

(b) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

SEC. 2. Section 316 is added to the Elections Code, to read:

316. (a) “Direct primary” is the primary election held on the last Tuesday in June of each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

(b) This section shall become operative on January 1, 2008.

SEC. 3. Section 1000 of the Elections Code is amended to read:

1000. (a) The established election dates in each year are as follows:

(1) The second Tuesday of April in each even-numbered year.

(2) The first Tuesday after the first Monday in March of each odd-numbered year.

(3) The first Tuesday in March in each even-numbered year.

(4) The first Tuesday after the first Monday in June of each odd-numbered year.

(5) The first Tuesday after the first Monday in November of each year.

(b) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

SEC. 4. Section 1000 is added to the Elections Code, to read:

1000. (a) The established election dates in each year are as follows:

1 ~~(1) The second Tuesday of April in each even-numbered year.~~

2 ~~(2) The first Tuesday after the first Monday in March of each~~
3 ~~odd-numbered year.~~

4 ~~(3) The first Tuesday in March in any year which is evenly~~
5 ~~divisible by the number 4.~~

6 ~~(4) The first Tuesday after the first Monday in June of each~~
7 ~~odd-numbered year.~~

8 ~~(5) The last Tuesday in June in each even-numbered year.~~

9 ~~(6) The first Tuesday after the first Monday in November of~~
10 ~~each year.~~

11 ~~(b) This section shall become operative on January 1, 2008.~~

12 ~~SEC. 5. Section 1001 of the Elections Code is amended to~~
13 ~~read:~~

14 ~~1001. (a) Elections held in March and November of each~~
15 ~~even-numbered year are statewide elections and these dates are~~
16 ~~statewide election dates.~~

17 ~~(b) This section shall remain in effect only until January 1,~~
18 ~~2008, and as of that date is repealed.~~

19 ~~SEC. 6. Section 1001 is added to the Elections Code, to read:~~

20 ~~1001. (a) Elections held in March in any year which is evenly~~
21 ~~divisible by the number four, and in June and November of each~~
22 ~~even-numbered year, are statewide elections and these dates are~~
23 ~~statewide election dates.~~

24 ~~(b) This section shall become operative on January 1, 2008.~~

25 ~~SEC. 7. Section 1201 of the Elections Code is amended to~~
26 ~~read:~~

27 ~~1201. (a) The statewide direct primary shall be held on the~~
28 ~~first Tuesday in March of each even-numbered year.~~

29 ~~(b) Notwithstanding subdivision (a), in any year which is~~
30 ~~evenly divisible by the number four, the statewide direct primary~~
31 ~~shall be held on the first Tuesday in March and shall be~~
32 ~~consolidated with the presidential primary held in that year.~~

33 ~~(c) This section shall remain in effect only until January 1,~~
34 ~~2008, and as of that date is repealed.~~

35 ~~SEC. 8. Section 1201 is added to the Elections Code, to read:~~

36 ~~1201. (a) The statewide direct primary shall be held on the~~
37 ~~last Tuesday in June of each even-numbered year.~~

38 ~~(b) This section shall become operative on January 1, 2008.~~

39 ~~SEC. 9. Section 1202 of the Elections Code is amended to~~
40 ~~read:~~

1 ~~1202. — (a) The presidential primary shall be held on the first~~
2 ~~Tuesday in March in any year evenly divisible by the number four.~~

3 ~~(b) This section shall remain in effect only until January 1,~~
4 ~~2008, and as of that date is repealed.~~

5 ~~SEC. 10. — Section 1202 is added to the Elections Code, to read:~~

6 ~~1202. — (a) The presidential primary shall be held on the first~~
7 ~~Tuesday in March in any year evenly divisible by the number four~~
8 ~~and may not be consolidated with the statewide direct primary held~~
9 ~~in that year.~~

10 ~~(b) This section shall become operative on January 1, 2008.~~

11 ~~SEC. 11. — Notwithstanding Section 17610 of the Government~~
12 ~~Code, if the Commission on State Mandates determines that this~~
13 ~~act contains costs mandated by the state, reimbursement to local~~
14 ~~agencies and school districts for those costs shall be made pursuant~~
15 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
16 ~~2 of the Government Code. If the statewide cost of the claim for~~
17 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
18 ~~reimbursement shall be made from the State Mandates Claims~~
19 ~~Fund.~~